

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

TAMIKA WILLIAMS

V.

TIME WARNER CABLE

§
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§

NO. 1:09-CV-417

ORDER

The court referred this matter to the Honorable Earl S. Hines, United States magistrate judge, pursuant to General Order 05-07 on May 27, 2009. The court has received and considered the report of the United States magistrate judge, who recommends that the court deny plaintiff's motion to proceed *in forma pauperis*.

Plaintiff objects to the magistrate judge's recommendation. This requires a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made. 28 U.S.C. § 636(b)(1)(C).

After conducting such review, the court concludes that the magistrate judge's findings, conclusions and analysis are correct. The court concurs with the magistrate judge's determination that plaintiff's reported income should allow her to pay the usual filing and service fee without undue hardship if given a reasonable amount of time to tender the requisite amount. Furthermore, plaintiff offers no new evidence regarding her financial circumstances that would compel a different result. Plaintiff refers to another plaintiff who was granted permission to proceed *in forma pauperis* in a related case, and argues that she, too, should be allowed to proceed in that manner. *In forma pauperis* determinations, however, are made on an individual, not comparative basis.

Accordingly, plaintiff's objections are **OVERRULED**, and the magistrate judge's report is hereby **ADOPTED**. It is further

ORDERED that plaintiff's motion to proceed *in forma pauperis* (Docket No. 2) is **DENIED**. It is further

ORDERED that plaintiff shall tender the fee established by law for filing a civil action (\$350.00) on or before **August 3, 2009**. If the filing fee is not tendered to the Clerk of Court within the extended time established, this action may be dismissed.

So **ORDERED** and **SIGNED** this **26** day of **June, 2009**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge